

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THREE AMIGOS HOLDINGS, INC.

Plaintiff,

vs.

MAXBEN HOLDINGS, LLC

Defendant.

Case No. 1:23-CV-08798-DLC

DECLARATION OF KOUSHIK BHATTACHARYA

Koushik Bhattacharya, an attorney duly admitted to practice before the Courts of the State of New York, hereby declares the following under penalty of perjury.

1. I am a Managing Member at Shulman Bhattacharya LLC, counsel for Plaintiff Three Amigos Holdings, Inc. (“Three Amigos” or “Plaintiff”).

2. I submit this declaration in support of Plaintiff’s motion for a turnover order to satisfy the judgments entered by this Court on December 14, 2023 and January 11, 2024 against Defendant Maxben Holdings, LLC (“Maxben”) pursuant to Rule 69 of the Federal Rules of Civil Procedure and sections 5225, 5201 and 5240 of the New York Civil Practice Law and Rules.

3. Attached hereto as Exhibit A is a true and correct copy of a Guaranty Agreement submitted by the plaintiff in a lawsuit against Maxben in the Southern District of Texas, styled PCGEZG, LLC v. Dalpour, et. al., 24-cv-01271, (S.D. Tex.) (the “PCGEZG Action”).

4. Attached hereto as Exhibit B is a true and correct copy the Amended and Restated Pledge and Security Agreement submitted by the plaintiff in the PCGEZG Action.

5. Attached hereto as Exhibit C is a true and correct copy of the Operating Agreement for Otte Partners, LLC disclosed by Maxben during post-judgment discovery in the instant case.

6. Attached hereto as Exhibit D is a true and correct copy of the Operating Agreement for Cornelia Street Investors, LLC disclosed by Maxben during post-judgment discovery in the instant case.

7. Attached hereto as Exhibit E is a true and correct copy of the Second Amendment to the Operating Agreement for Cornelia Street Investors, LLC disclosed by Maxben during post-judgment discovery in the instant case.

8. Attached hereto as Exhibit F is a true and correct copy of the Operating Agreement for 1222 St. Paul Management LLC disclosed by Maxben during post-judgment discovery in the instant case.

9. Attached hereto as Exhibit G is a true and correct copy of Maxben's Responses to the Information Subpoena dated March 21, 2024, submitted by Maxben during post-judgment discovery in the instant case ("Maxben's Subpoena Responses").

10. Attached hereto as Exhibit H is a true and correct copy of a letter I sent to Maxben's counsel, John J. Thompson, Esq., concerning Maxben's deficient post-judgment discovery responses on or about March 27, 2024.

11. As part of Maxben's Subpoena Responses, Maxben claimed that it was not required to directly produce fulsome responses about the entities and assets owned by Maxben and/or its owner, Idin Dalpour ("Dalpour"). As a result, Plaintiff sent information subpoenas to various entities it believed Maxben and/or Dalpour controlled and/or owned (the "Third-Party Subpoenas").

12. On or about April 22, 2024, I spoke with Maxben's counsel, Mr. Thompson, about Maxben's deficient post-judgment discovery responses, including the Maxben Subpoena Responses and Maxben and Dalpour's failure to respond to the Third-Party Subpoenas.

13. During that conversation, Mr. Thompson informed me that Maxben and Dalpour would not be responding to the Third-Party Subpoenas at all, and that they also would not be providing the additional documentation that they had previously claimed they would provide in connection with the Maxben Subpoena Responses.

14. Attached hereto as Exhibit I is a true and correct copy of the complaint filed in DRC Ventures, LLC, et al. v. Idin Dalpour, et al., 23-cv-07827 (S.D.N.Y.) (the “DRC Case”).

15. Attached hereto as Exhibit J is a true and correct copy of the answer filed in the DRC Case.

16. Attached hereto as Exhibit K is a true and correct copy of a bank statement for Dalpour with TD Ameritrade.

17. Attached hereto as Exhibit L is a true and correct copy of the Restraining Notice served on TD Ameritrade in this case on May 14, 2024.

18. Attached hereto as Exhibit M is a true and correct copy of the judgment entered by this Court on or about December 14, 2023.

19. Attached hereto as Exhibit N is a true and correct copy of the judgment entered into by this Court on or about January 11, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, NY
May 14, 2024

/s/ Koushik Bhattacharya
Koushik Bhattacharya